

Atty Dkt No. 8325-0007.20  
Client No. S7-US3

**DECLARATION FOR UTILITY PATENT APPLICATION**

**AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:**

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: GENE IDENTIFICATION the specification of which

X is attached hereto  
   was filed on

and assigned Serial No. .

**I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.**

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or

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attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than six months prior to this application.

I hereby claim priority benefits under Title 35, United States Code § 119(e)(1) of any United States provisional application(s) for patent as indicated below and have also identified below any application for patent on this invention having a filing date before that of the application for patent on which priority is claimed:

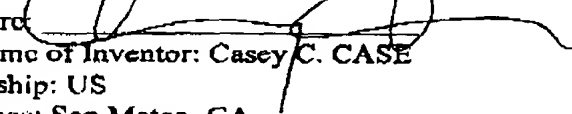
| <u>Application No.</u> | <u>Date of Filing</u><br><u>(day/month/year)</u> | <u>Priority</u><br><u>Claimed</u> |
|------------------------|--|-----------------------------------|
|------------------------|--|-----------------------------------|

Yes ☐ No ☐

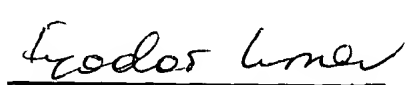
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) and (b) set forth above which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.: 09/395,448  
Filing Date: September 14, 1999  
Status (patented, pending, abandoned): Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature:   
Full Name of Inventor: Casey C. CASE  
Citizenship: US  
Residence: San Mateo, CA  
Post Office Address: 605 Barriolhet Avenue, San Mateo, CA 94402

Date 8-28-01

Signature:   
Full Name of Inventor: Pyodor URNOV  
Citizenship: Russian Federation  
Residence: Richmond, CA  
Post Office Address: 135 Lakeshore Court, Richmond, CA 94804

Date 8-28-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

CASE et al.

Serial No.: CIP of 09/395,448

Group Art Unit: Unassigned

Filing Date: Herewith

Examiner: Unassigned

Title: GENE IDENTIFICATION

**POWER OF ATTORNEY BY ASSIGNEE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

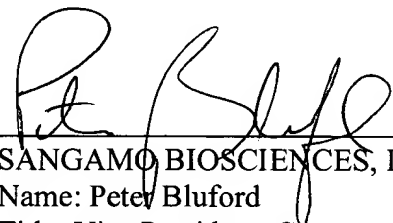
Sir:

SANGAMO BIOSCIENCES, INC., assignee of the above-identified application by assignment (copy attached), hereby appoints Sean Brennan, Ph.D., Reg. No. 39,917; Roberta L. Robins, Reg. No. 33,208; Dahna S. Pasternak, Reg. No. 41,411; and Gary R. Fabian, Ph.D., Reg. No. 33,875 as its attorneys/agents with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

Please address all further communications to Dahna S. Pasternak at the following address:

Customer No. 20855  
ROBINS & ASSOCIATES  
90 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 325-7812  
Fax: (650) 325-7823.

Date: 8-28-01

  
SANGAMO BIOSCIENCES, INC.  
Name: Peter Bluford  
Title: Vice President, Corporate Development

0941450-032801

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

CASE et al.

Serial No.: CIP of 09/395,448

Group Art Unit: Unassigned

Filing Date: Herewith

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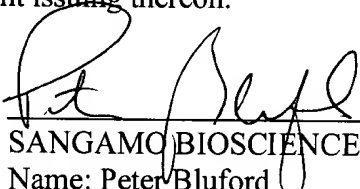
**CERTIFICATE UNDER 37 CFR 3.73(b)**

SANGAMO BIOSCIENCES, INC., a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. A copy of the assignment is attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 8-28-01

  
\_\_\_\_\_  
SANGAMO BIOSCIENCES, INC.  
Name: Peter Bluford  
Title: Vice President, Corporate Development

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S7-US3  
PATENT

"Express Mail" Mailing Label No. EL 873 906 720 US  
Date of Deposit 28 August, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Susan LaMont

Typed or Printed Name of Person Mailing Paper or Fee

Susan LaMont

Signature of Person Mailing Paper or Fee